



The Office of Vince Ryan
County Attorney

October 28, 2010

Harris County Election Judges
Harris County Alternate Election Judges

Opinion No. VR-0010

Re: Prohibition of Video and Audio Recording Devices and Electronic
Communication Devices in the Polling Place

This letter is to provide advice concerning the prohibition of video and audio recording devices and electronic communication devices in the polling place to Harris County Elections Judges and Alternate Election Judges.

Poll watchers must provide an affidavit that they are **not in possession** of any mechanical or electronic means of recording images or sound while serving as a watcher. TEX. ELEC. CODE §33.006(b)(6). This section applies to cell phones if they have the ability to take pictures or record videos. A watcher may not be accepted for service if the watcher **has in his possession** such a device. The presiding judge may inquire whether a watcher is in possession of such a prohibited device before accepting the watcher for service. TEX. ELEC. CODE §33.051(c). This prohibition applies only to poll watchers.

No person may **use** a wireless communication device within 100 feet of a voting station. TEX. ELEC. CODE §61.014(a). This section applies to any **cell phone** or other device that sends or receives an electronic communication signal, such as a **laptop computer equipped with WiFi**. No person may **use** any mechanical or electronic means of recording images or sound within 100 feet of a voting station. TEX. ELEC. CODE §61.014(b). This section applies to cell phones if they have the ability to take still pictures or videos. A presiding judge may require a person violating these provisions to turn off the prohibited device or to leave the polling place. TEX. ELEC. CODE §61.014(c). These provisions do not apply to an election officer in conducting the officer's official duties or to the of election equipment necessary for the conduct of the election. TEX. ELEC. CODE §61.014(d).

If you have any questions regarding the application of the advice above, please call Senior Assistant County Attorney Douglas P. Ray at (713) 755-3446 or (281) 935-1904. On Election Day, Assistant County Attorneys will also be available to provide advice on any issue of election law by calling the Voter Registrar's Call Center, (713) 368-2200.

Sincerely,



VINCE RYAN
Harris County Attorney